



Department of Business Regulation

233 Richmond Street

Providence, RI 02903

Insurance Bulletin Number 2005-6

Lead Hazard Mitigation Act

All carriers that received approval of rates and forms in accordance with R.I. Gen. Laws § 42-128.1-9 and Insurance Regulation 101, should be aware that R.I. Gen. Laws § 42-128.1-9 has been amended to postpone its effective date until November 1, 2005. S 1174 sub B was signed by Governor Carcieri on July 1, 2005.

The amendments to the Lead Hazard Mitigation Act added R.I. Gen. Laws § 42-128.1-9 (g) which provides in part:

(g) All endorsements, rates, forms and rules for lead liability coverage approved by the department of business regulation to be effective on or after July 1, 2004 are hereby extended to be effective November 1, 2005.

Any portion of a Departmental Regulation or Bulletin that is in conflict with the amended statute is superceded. The Department intends to amend its Regulations and Bulletins as necessary prior to November 1, 2005.

Insurers should not refile forms, rates or exclusions that were approved for use prior to June 30, 2005. The forms, rates and exclusions that were in effect prior to June 30, 2005 will remain in effect until October 31, 2005 or until the carrier receives approval to use alternative forms, rates or exclusions.

The Department will maintain the *status quo* with regard to exclusions. The Department will maintain the moratorium on approval of new exclusions until November 1, 2005. Carriers that did not have approved exclusions prior to June 30, 2005 should continue to write based upon their previously approved forms, rates and rules.

In addition to the statutory changes noted above, R.I. Gen. Laws § 23-24.6-17 (b), relating to the “innocent owner” liability standard of property owners, has also been extended until November 1, 2005.

Joseph Torti III

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July 6, 2005